

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 3278

House Bill No. 3295*

by deleting Section 6(a), (b), and (c) and substituting instead the following:

SECTION 6. (a) The affected county, an affected municipality, a resident of such county or an owner of real property located within such county is entitled to judicial review under this section, which shall be the exclusive method for judicial review of urban growth boundaries, planned growth areas and rural areas. Proceedings for review shall be instituted by filing a suit in the nature of a quo warranto proceeding in accordance with §6-51-103, § 6-51-301 and title 29, chapter 35 to contest the validity thereof in the chancery court of the affected county. Such petition shall be filed during the thirty (30) day period after final approval of such urban growth boundaries, planned growth areas and rural areas by the committee. In accordance with the provisions of the Tennessee rules of civil procedure pertaining to service of process, copies of the petition shall be served upon the local government planning advisory committee, the county and each municipality located or proposing to be located within the county.

(b) Judicial review shall be de novo and shall be conducted by the chancery court with a jury. The affected municipality, in the case of a challenge to an urban growth boundary, or the county in case of a challenge to a planned growth area or rural area, shall have the burden of proving by a preponderance of the evidence, that the urban growth boundaries, planned growth areas and/or rural areas are reasonable. The filing of the petition for review does not itself stay effectiveness of the urban growth boundaries, planned growth areas and rural areas; provided, however, the court may order a stay upon appropriate terms if it is shown to the satisfaction of the court that any party or the public at large is likely to suffer significant injury if such stay is not granted.

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(c) **IF** the court finds by a preponderance of the evidence that the urban growth boundaries, planned growth areas and/or rural areas are invalid because the endorsement, adoption or approval thereof was granted in an unreasonable manner, **THEN** an order shall be issued vacating the same, in whole or in part, and remanding the same to the county and the affected municipalities in order to identify and obtain endorsement, adoption and/or approval of urban growth boundaries, planned growth areas and/or rural areas in conformance with the procedures set forth within Section 5.

AND FURTHER AMEND by deleting Section 9(a) and by substituting instead the following:

(a)(1) After the effective date of this act but before the adoption of its growth plan by the committee, a municipality may annex territory by referendum as provided in §6-51-104 and §6-51-105, if the county concurs in the annexation within thirty (30) days of the final passage of the annexation ordinance.

(2) If the county fails to concur in the annexation by adopting a resolution within the thirty (30) day period, the affected county, a resident of such county or an owner of real property located within such county is entitled to judicial review under §6-51-103, which shall be the exclusive method for judicial review. Proceedings for review shall be instituted by filing a suit in the nature of a quo warranto proceeding in accordance with §6-51-103, § 6-51-301 and title 29, chapter 35 to contest the validity thereof. The standard of review shall be that the failure to adopt the ordinance will:

(1) Materially retard the prosperity of the municipality and the territory; or

(2) Endanger the safety and welfare of the inhabitants and the property.

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(3) If the court with a jury finds that the ordinance by a preponderance of the evidence satisfies the requirements of this subsection (a), the annexation ordinance shall take effect.

AND FURTHER AMEND by deleting Section 9(d) and substituting instead the following:

If the territory proposed to be annexed does not have any residents, such annexation may be accomplished only with the concurrence of the county as provided in (a) above.

AND FURTHER AMEND by deleting from the first clause of Section 9(e) the language "by ordinance".

AND FURTHER AMEND by deleting the first sentence and the next clause of Section 12(a) and substituting instead the following:

Within a municipality's approved urban growth boundaries, a municipality may use §6-51-104 and §6-51-105. Provided, however, if a quo warranto action is filed to challenge the municipality has the burden of proving that:

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